

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:07CR407
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
SHEILA M. CASTRO,)	
)	
Defendant.)	

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#15). On March 7, 2008 Pretrial Services Officer Troy Greve submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

7. The defendant shall:

(K) Reside at NOVA, 3483 Larimore, Omaha, NE 68111 facility at all times. In the event that the defendant is discharged from the facility for any reason whatsoever, or leaves the premises of the facility without authorization, the United States Marshal, and/or any law enforcement officer is ordered to take the defendant into custody and detain the defendant pending a prompt hearing before the court to review the conditions of release.

On March 6, 2008 at 4:15 P.M. Pretrial Services was called by Counselor Andrea Bowens of NOVA. Ms. Bowens explained the defendant walked out of the treatment facility without authorization. Ms. Castro informed staff NOVA was not the place for her and if she had to stay, she would rather go back to prison.

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on March 11, 2008. Karen Shanahan, Assistant Federal Public Defender, represented Defendant. Michael Wellman, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Jen Iverson dated March 10, 2008. The Court

finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#14) should be revoked. I find Defendant is unlikely to abide by conditions of release. I find that there is no condition or combinations of conditions that would reasonably assure Defendant's presence for further proceedings.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (#15) is granted;
2. The March 3, 2008 Order Setting Conditions of Release (#14) is hereby revoked;

and

3. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on the request of an attorney for the Government, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 12th day of March 2008.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge